

Jeffrey Kimmel  
Jeffrey Weingart  
Susan Schlesinger  
Meister Seelig & Fein LLP  
140 East 45<sup>th</sup> Street, 19<sup>th</sup> Floor  
New York, NY 10017  
(212) 655-3500

Seth H. Ostrow  
Ostrow Kaufman LLP  
555 Fifth Ave.  
New York, NY 10017  
(212) 682-9013

*Attorneys for Plaintiff Viber Media, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIBER MEDIA, INC.,	)	Civil Action No: 1:13-cv-00953 (DLC)
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RATES TECHNOLOGY INC.	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF SUSAN SCHLESINGER**

I, Susan Schlesinger, pursuant to the requirements of 28 U.S.C. §1746, declare, under penalty of perjury, that the following is true and correct:

1. I am an associate at Meister Seelig & Fein LLP, counsel for Plaintiff, Viber Media, Inc. (“Viber”). I submit this declaration in support of Plaintiff Viber Media, Inc.’s

Opposition to Defendant's Motions Pursuant to Fed.R.Civ.P. 12(f) to Strike the "Patent Troll" Allegations in the Complaint and Pursuant to Fed.R.Civ.P. 12(b)(6) to Dismiss the Patent Invalidity Claims in the Complaint. I have personal knowledge of the matters set forth in this Declaration.

2. Attached as **Exhibit A** are true and correct copies of the letters sent by Defendant Rates Technology Inc. ("RTI") to Viber Media, Inc. ("Viber").

3. Attached as **Exhibit B** is a true and correct copy of the relevant pages of an article entitled "Rates Technology, Inc." from TMCNet dated April 19, 2005.

4. Attached as **Exhibit C** is a true and correct copy of a printout of the definition of the term "patent troll" from Wikipedia.

5. Attached as **Exhibit D** are true and correct copies of printouts from PACER showing a list of cases in which RTI has been a plaintiff.

6. Attached as **Exhibit E** is a true and correct copy of a declaratory judgment complaint filed against RTI in the District of Delaware.

7. Attached as **Exhibit F** are true and correct copies of the relevant excerpts of various articles, publications and presentations referring to RTI as a "patent troll."

8. Attached as **Exhibit G** is a true and correct copy of the letter dated March 6, 2013 from RTI's counsel setting forth RTI's infringement contentions ("Infringement Contentions").

9. Attached as **Exhibit H** is a true and correct copy of the letter dated March 19, 2013 from counsel for Viber to counsel for RTI regarding RTI's deficient and inadequate Infringement Contentions.

10. Attached as **Exhibit I** is a true and correct copy of the opinion in *Rates Technology Inc. v. Mediatix Telecom, Inc. et. al.*, 05-CV-2755 (JS)(AKT) previously filed under seal and subsequently unsealed.

11. Attached as **Exhibit J** is a true and correct copy of the opinion in *Highland Plastics, Inc. v. Sorensen Research and Development Trust*, 11-CV-02246(SJO) (C.D. Cal. August 17, 2011).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 25, 2013

  
Susan Schlesinger